

EXTRAORDINARY SESSION

JOURNAL OF THE SENATE

Wednesday, November 21, 1962

The Senate convened at 10:00 o'clock A. M., pursuant to adjournment on Tuesday, November 20, 1962.

The President in the Chair.

The roll was called and the following Senators answered to their names:

| | | | |
|---------------|----------------|---------------|-----------------|
| Mr. President | Edwards | Johnson (6th) | Roberts |
| Askew | Fraser | Kelly | Ryan |
| Barron | Friday | McCarty | Stratton |
| Blank | Galloway | Mapoles | Tucker |
| Boyd | Gautier | Mathews | Whitaker |
| Bronson | Gibson | Melton | Williams (27th) |
| Clarke | Herrell | Parrish | Williams (4th) |
| Connor | Hodges | Pearce | Young |
| Covington | Johns | Pope | |
| Cross | Johnson (19th) | Price | |

—38.

A quorum present.

The following Prayer was offered by the Senate Chaplain, Reverend James H. Paddock:

We again offer thanks for our bountiful harvest, and for the true American way of life, and for the eternal salvation provided by our Lord Jesus Christ.

We pray that You will counsel with our Senators and our Representatives in regard to this important matter of legislation, and give them something good for this present time.

In Jesus' name. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Tuesday, November 20, 1962, was corrected as follows:

Page 35, column 2, line 10, strike the words: "by title only" and insert in lieu thereof the following: "in full"

Also—

Page 36, column 1, between lines 8 and 9, insert the following: "That the following amendment of Article VII of the constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection at a special called election as provided by Article XVII, Section 3 of the state constitution."

Also—

Page 37, column 1, line 25, following the word "the" and before the word "was" insert the word: "vote"

And as corrected was approved.

ENROLLING REPORT

Your Enrolling Clerk, to whom was referred—

S. B. No. 17-XX(62)

—reports same has been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on November 21, 1962, for his approval.

ROBT. W. DAVIS
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Cross—

Senate Concurrent Resolution No. 29-XX(62)—

A CONCURRENT RESOLUTION PROVIDING FOR A RECESS OF THE EXTRAORDINARY SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That this extraordinary session of the Legislature which is mandatorily required to reapportion the representation in the Legislature of the State of Florida by the provisions of Article VII, section 3 of the Constitution, do stand recessed upon the adoption of this Concurrent Resolution by the Senate and the House of Representatives, and do reconvene at the hour of 7:00 o'clock P. M., Tuesday, March 5, 1963.

Which was read the first time in full and referred to the Committee on Apportionment.

By Senator Askew—

S. B. No. 30-XX(62)— A Bill to be entitled An Act apportioning the Senate of the State of Florida; providing for a special election; amending Section 10.01 and creating Section 10.04, Florida Statutes.

Which was read the first time by title only and referred to the Committee on Apportionment.

By Senator Askew—

S. B. No. 31-XX(62)— A Bill to be entitled An Act apportioning the Senate of the State of Florida; amending Section 10.01, Florida Statutes; providing effective date.

Which was read the first time by title only and referred to the Committee on Apportionment.

By Senator Cross—

S. B. No. 32-XX(62)— A Bill to be entitled An Act apportioning the Senate of the State of Florida into thirty-eight (38) Districts; providing for a special election; amending Section 10.01 and creating Section 10.04, Florida Statutes.

Which was read the first time by title only and referred to the Committee on Apportionment.

By Senator Cross—

Senate Joint Resolution No. 33-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA, PROVIDING FOR APPORTIONMENT OF THE FLORIDA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following amendment of Section 3, Article VII of the Constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or

rejection at a special called election as provided by Article XVII, Section 3 of the Florida Constitution:

ARTICLE VII

SECTION 3. Apportionment of representation in senate and house of representatives.—The legislature that shall meet in regular session A. D. 1925, and those that shall meet every ten (10) years thereafter, shall apportion the representation in the senate, and shall provide for thirty-eight (38) senatorial districts, such districts to be as nearly equal in population as practicable, but no county shall be divided in making such apportionment, and each district shall have one (1) senator. Representation in the house of representatives of the Florida legislature shall be apportioned among the several counties of the state as follows: Each county shall be entitled to one (1) representative. Each county shall have one (1) additional representative for each representative ratio or major fraction thereof. Any county having more than four (4) representative ratios shall have one (1) representative in addition to all others herein provided. The representative ratio shall be the quotient obtained by dividing the population of the state according to the latest federal census by the number of counties; provided that until the general election in 1964 no county shall have fewer representatives than it would have been entitled to under the Constitution of 1885, as amended in 1924. Should the legislature fail to apportion the representation in the senate and in the house of representatives, at any regular session of the legislature at any of the times herein designated, it shall be the duty of the legislature or legislatures succeeding such regular session of the legislature, either in special or regular session, to apportion the representation in the senate and in the house of representatives as herein provided. The preceding regular federal or regular state census, whichever shall have been taken nearest any apportionment of representatives in the senate and in the house of representatives, shall control in making any such apportionment. In the event the legislature shall fail to reapportion the representation in the legislature as required by this amendment, the governor shall call the legislature together in extraordinary session to consider the question of reapportionment and such extraordinary session of the legislature is hereby mandatorily required to reapportion the representation as required by this amendment before its adjournment and such extraordinary session so called for reapportionment shall not be limited to expire at the end of twenty (20) days or at all, until reapportionment is effected, and shall consider no business other than such reapportionment. The 1963 legislature shall be composed of the legislators elected pursuant to the Constitution of 1885, as amended, and of the additional legislators as provided for herein. If this article is ratified at a special general election the legislature shall be apportioned according to apportionment bills passed at the extraordinary session of the legislature convened November 9, 1962, provided nothing in this amendment shall prohibit any representative or senator elected in the 1962 general election pursuant to the Constitution of 1885, as amended, from serving in said office for the term for which he was elected, nor shall this amendment prohibit a senator now serving from completing his term to which he was elected, and the additional legislative offices herein created shall be filled by and at a special election to be held in the affected counties or districts, as provided by law. The senators elected from the new even numbered districts shall be elected for a term of four (4) years and the new senators elected from the odd numbered districts shall be elected for a term of two (2) years; thereafter all senators shall be elected for four (4) year terms.

Which was read the first time in full and referred to the Committee on Apportionment.

By Senator Cross—

S. B. No. 34-XX(62)—

A Bill to be entitled An Act

providing for the apportionment of the membership of the House of Representatives of the Legislature of the State of Florida; amending Section 10.03, Florida Statutes; providing effective date.

Which was read the first time by title only and referred to the Committee on Apportionment.

By Senator Askew—

Senate Joint Resolution No. 35-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA, PROVIDING FOR APPORTIONMENT OF THE FLORIDA LEGISLATURE; PROVIDING FOR A STATE CENSUS AND SPECIAL ELECTIONS.

WHEREAS, the Legislature of the state of Florida has determined that an emergency requiring an early decision by the electors of the state exists, and

WHEREAS, an amendment to the Constitution dealing with the matter of reapportionment of representation in the Legislature should be submitted to the electors of the state of Florida at the earliest possible time, NOW, THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following amendment of article VII of the constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection at a special emergency election to be held for such purpose.

That three-fourths (¾) of all members elected to each house of the legislature does determine that an emergency requiring an early decision by the electors of the state does exist with reference to this amendment to article VII of the constitution.

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. Composition of the legislature.—The legislature of the state of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any county hereafter created shall have one (1) member of the house of representatives until the next apportionment by the legislature, at which time such county shall be allocated such representation as is provided for herein.

Section 2. Representation in the house of representatives.—The house of representatives of the Florida legislature shall be apportioned so as to allow three (3) representatives to each of the five (5) most populous counties, and two (2) representatives to each of the next eighteen (18) more populous counties, and one (1) representative to each of the remaining counties of the state at the time of such apportionment.

Section 3. Senate.—The senate of the Florida legislature shall be apportioned to provide for thirty-eight (38) senatorial districts. Each such district shall be represented in the senate by one (1) member, but no county shall be divided in creating a district. Nineteen (19) districts shall consist of the nineteen (19) most populous counties according to the latest federal decennial census. Nineteen (19) districts shall be created from the remaining forty-eight (48) counties of the state with the view of effecting as equitable representation as practical, with due regard for geographical area, economic interest and

population feasibility; provided, however, that until their terms of office expire at the general election of November, 1964 or 1966, any senator whose district has been abolished shall continue to hold office as senator for the county of his residence even though by so doing the total number of members may exceed thirty-eight (38).

Section 4. Legislative apportionment.—If this article is ratified at a special election called for such purpose, the legislature shall be apportioned according to apportionment bills passed at the extraordinary session of the legislature called by proclamation of the governor to convene on November 9, 1962, provided nothing in this amendment shall prohibit any representative or senator elected in the 1962 general election pursuant to the constitution of 1885, as amended, from serving in said office for the term for which he was elected, for shall this amendment prohibit a senator now serving from completing his term to which he was elected and the additional legislative offices herein created shall be filled by and at a special election to be held in the affected counties or districts, as provided by law, such election to be held within ninety (90) days after the effective date hereof. The senators elected from the new even numbered districts shall be elected for a term of four (4) years and the new senators elected from the odd numbered districts shall be elected for a term of two (2) years; thereafter all senators shall be elected for four (4) year terms.

The legislature shall reapportion its representation in accordance with this article at the first regular session of the legislature after the next federal decennial census and at the first regular session of the legislature after each succeeding federal decennial census and such reapportionment shall be based upon the latest preceding federal decennial census.

In the event the legislature shall fail to reapportion the representation as required by this article, the governor shall call the legislature together in extraordinary session to consider the question of reapportionment, and such extraordinary session shall mandatorily be required to reapportion its membership before adjournment, and such extraordinary session so called shall not expire until reapportionment is effected and shall consider no business other than reapportionment.

Section 5. State census.—The legislature shall no longer be required to provide for an enumeration of the inhabitants of the state. The last preceding decennial federal census beginning with the federal census of 1960 shall also be the state census and shall control in all population acts and constitutional apportionments unless otherwise ordered by the legislature.

Section 6. If any part of this joint resolution is declared unconstitutional or null and void then the entire resolution shall be null, void and inoperative.

Which was read the first time in full and referred to the Committee on Apportionment.

MESSAGE FROM THE GOVERNOR

The following message from the Governor was received and read:

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
TALLAHASSEE, FLORIDA

November 20, 1962

TO THE HONORABLE MEMBERS OF THE SENATE
AND THE HOUSE OF REPRESENTATIVES:

Pursuant to the authority vested in me by Article IV, Section 8, of the Constitution of the State of Florida, I call to your attention the following legislative business not included in my executive proclamation of November 7,

1962, which, however, I regard as being of an urgent nature:

During the extraordinary session of the Legislature convened on August 1, 1962, I brought to the attention of the Senate and the House of Representatives the necessity for an emergency advertising program for the citrus industry. That Legislature saw fit to enact legislation increasing the citrus advertising tax for the purpose of making funds available to finance an advertising-merchandising program.

It has been made known to me that the citrus industry continues to face grave problems in connection with the marketing of the large citrus crop and that in order to effectively utilize the funds previously provided in the extraordinary session of August, 1962, and to augment the advertising-merchandising program presently underway, supplemental legislation is needed.

In 1957, the Legislature passed House Bill No. 1237 (Chapter 57-332, Laws of Florida) providing for the appointment of a committee to advise and consult with the Florida Citrus Commission concerning the regulation of quality for frozen concentrated orange juice and to grant to the Florida Citrus Commission certain powers involving these quality standards. This law was amended and re-enacted in 1959 (Committee Substitute for Senate Bill No. 19; Chapter 59-14, Laws of Florida.) I have been advised that in the regular session of the Legislature of 1961, this bill was inadvertently not re-enacted. Thus, at the present time, this committee is not in existence and in view of the anticipated magnitude of the 1962-63 citrus crop, the citrus industry feels that it is imperative that such a committee be in existence. I have been advised that the proposed legislation concerning this matter is essentially identical to the previous legislation.

It is also the belief of those in the citrus industry that the enactment of this legislation will aid materially in the industry's fight against the establishment of a federal standard of identity for frozen concentrated orange juice.

I, therefore, call upon you to consider the passage of this legislation which will allow the citrus industry to continue to combat the above described conditions.

Respectfully,
FARRIS BRYANT
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages from the House of Representatives were received and read:

Tallahassee, Florida
November 20, 1962

*The Honorable Wilson Carraway
President of the Senate*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Griffin, Mattox and Chiles of Polk, O'Neill of Marion, Karst of Indian River, Adams of Highlands, Bass of Hardee, Ayers of Hernando, Daniel of Lake, Boyd and Knowles of Manatee, Land of Orange, and Cleveland of Seminole—

H. B. No. 34-XX—

A bill to be entitled An Act to grant to the Florida citrus commission additional powers involving quality standards for frozen concentrated orange juice over and above the minimum requirements of section 601.0108 Florida Statutes 1961, and quality standards for other citrus products over and above the minimum requirements now fixed by law and provide for the

appointment of quality committees to advise and consult with the Florida citrus commission involving such additional powers and fixing their duties as members of such committees, and to create and establish a concentrate quality committee over frozen concentrated orange juice, and to prescribe the qualifications, terms of office, and manner of appointment of the members thereof; to grant to the Florida citrus commission additional powers involving quality standards for frozen concentrated orange juice over and above the minimum requirements of section 601.0108 Florida Statutes of 1961, upon the recommendation and approval of said concentrate quality committee and after a public hearing; and to provide for an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE

Chief Clerk, House of Representatives

Pursuant to the Governor's Message of this day expanding his Call of the Extraordinary Session, House Bill No. 34-XX, contained in the above message, was received and read the first time by title only and referred to the Committee on Apportionment.

Senator Hodges moved that the Senate recess until 12:30 o'clock P. M., this day.

Which was agreed to.

Thereupon the Senate stood in recess at 10:12 o'clock A. M.

The Senate was called to order by the President at 12:30 o'clock P. M.

The roll was called and the following Senators answered to their names:

| | | | |
|---------------|----------------|---------------|-----------------|
| Mr. President | Edwards | Johnson (6th) | Roberts |
| Askew | Fraser | Kelly | Ryan |
| Barron | Friday | McCarty | Stratton |
| Blank | Galloway | Mapoles | Tucker |
| Boyd | Gautier | Mathews | Whitaker |
| Bronson | Gibson | Melton | Williams (27th) |
| Clarke | Herrell | Parrish | Williams (4th) |
| Connor | Hodges | Pearce | Young |
| Covington | Johns | Pope | |
| Cross | Johnson (19th) | Price | |

—38.

A quorum present.

The Senate resumed the consideration of messages from the House of Representatives.

Tallahassee, Florida
November 21, 1962

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of all members elected to the House of Representatives at the general election on November 6, 1962—

By Messrs. Turlington of Alachua and Knowles of Manatee—

H. J. R. No. 41-XX—A Joint Resolution proposing an amendment to Sections 1, 2, 3 and 4 of Article VII of the Constitution of the State of Florida; providing for apportionment of the Florida Legislature; providing for submission to the electors.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Sections 1, 2, 3 and 4 of Article VII of the Constitution of Florida is agreed to and shall be submitted to the electors of this state for ratification or rejection.

ARTICLE VII

APPORTIONMENT AND CENSUS

Section 1. Composition of the legislature.—The legislature of the state of Florida shall consist of a senate and a house of representatives. Members of the senate shall be elected for a term of four (4) years and members of the house shall be elected for a term of two (2) years. The term of members of the legislature shall expire on the first Tuesday after the first Monday in November in each regular election year. Members of the senate and house of representatives shall be elected as provided by law. Any new county that may be created shall be entitled to one (1) member in the house of representatives in excess of any limit prescribed in the following sections of this article until the next reapportionment and the county shall be assigned when created to a senatorial district as determined by the legislature.

Section 2. Representation in the house of representatives.—The House of Representatives shall consist of 109 members to be apportioned among the counties as follows: The most populous county shall have seven (7) representatives. The second most populous county shall have five (5) representatives. The next three (3) most populous counties shall have four (4) representatives each. The next five most populous counties shall have three (3) representatives each. The next thirteen (13) most populous counties shall have two (2) representatives each. Each of the remaining counties shall have one (1) representative — provided, however, that until the general election in 1964 no county shall have fewer representatives than it would have been entitled to under the Constitution of 1885, as amended in 1924.

Section 3. Senate.—The representation of the senate in the Florida legislature shall consist of thirty-eight (38) members, as provided by law.

Section 4. The legislature shall reapportion the representation of the house and senate at the 1971 regular session of the legislature and every ten (10) years thereafter based upon the preceding latest federal decennial census.

Section 5. If any part of this joint resolution is declared unconstitutional or null and void then the entire resolution shall be null, void and inoperative.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE

Chief Clerk, House of Representatives

And House Joint Resolution No. 41-XX, contained in the above message, was read the first time in full and referred to the Committee on Apportionment.

Senator Johnson (6th), Chairman of the Committee on Apportionment, moved that the Senate revert to the consideration of Reports of Committees.

Which was agreed to by a two-thirds vote and the following Reports of Committee were received and read:

REPORTS OF COMMITTEE

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Bill:

H. B. No. 34-XX— A bill to be entitled An Act to grant to the Florida citrus commission additional powers involving quality standards for frozen concentrated

orange juice over and above the minimum requirements of section 601.0108 Florida Statutes 1961, and quality standards for other citrus products over and above the minimum requirements now fixed by law and provide for the appointment of quality committees to advise and consult with the Florida citrus commission involving such additional powers and fixing their duties as members of such committees, and to create and establish a concentrate quality committee over frozen concentrated orange juice, and to prescribe the qualifications, terms of office, and manner of appointment of the members thereof; to grant to the Florida citrus commission additional powers involving quality standards for frozen concentrated orange juice over and above the minimum requirements of section 601.0108 Florida Statutes of 1961, upon the recommendation and approval of said concentrate quality committee and after a public hearing; and to provide for an effective date.

—and recommends that the same pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Concurrent Resolution:

Senate Concurrent Resolution No. 29-XX(62)—

A CONCURRENT RESOLUTION PROVIDING FOR A RECESS OF THE EXTRAORDINARY SESSION OF THE LEGISLATURE.

—and recommends that the same be adopted.

And the Concurrent Resolution contained in the preceding report was placed on the Calendar.

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Memorial:

Senate Memorial No. 19-XX(62)—

A MEMORIAL TO THE FEDERAL DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, REQUESTING THE WITHHOLDING OF ANY JUDGMENT RELATING TO THE REAPPORTIONMENT OF THE LEGISLATURE OF THE STATE OF FLORIDA UNTIL AFTER THE 1963 REGULAR SESSION OF THE LEGISLATURE IN ORDER TO PERMIT THE LEGISLATURE SUFFICIENT TIME TO MAKE THE NECESSARY PREPARATION FOR THE EFFICIENT HOUSING, RENOVATION AND ENLARGEMENT OF THE CAPITOL REQUIRED BY REAPPORTIONMENT.

—and recommends that the same be adopted.

And the Memorial contained in the preceding report was placed on the Calendar.

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Bill:

S. B. No. 7-XX(62)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate and the House of Representatives of the Florida Legislature by amending Sections 10.01, and 10.03 and creating Section 10.04, Florida Statutes.

—and recommends that the same pass with committee amendment as attached thereto.

And the Bill contained in the preceding report, together with the committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Johnson (6th), Chairman of the Committee on

Apportionment, reported that the Committee had carefully considered the following Joint Resolution:

Senate Joint Resolution No. 3-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA, PROVIDING FOR APPORTIONMENT OF THE FLORIDA LEGISLATURE.

—and recommends that the same pass with committee amendment as attached thereto.

And the Joint Resolution contained in the preceding report, together with the committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Bills:

S. B. No. 23-XX(62)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate of the Legislature of the State of Florida into forty-five (45) Districts; amending Section 10.01, adding Section 10.04, Florida Statutes; providing for an election; providing for filling vacancies; providing effective date.

S. B. No. 24-XX(62)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate and the House of Representatives of the Florida Legislature by amending Sections 10.01, and 10.03 and creating Section 10.04, Florida Statutes.

S. B. No. 30-XX(62)— A Bill to be entitled An Act apportioning the Senate of the State of Florida; providing for a special election; amending Section 10.01 and creating Section 10.04, Florida Statutes.

—and recommends that the same not pass.

And the Bills contained in the preceding report were laid on the table.

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Joint Resolution:

Senate Joint Resolution No. 22-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA; PROVIDING FOR APPORTIONMENT OF THE FLORIDA LEGISLATURE; PROVIDING FOR A STATE CENSUS.

—and recommends that the same not pass.

And the Joint Resolution contained in the preceding report was laid on the table.

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Joint Resolution:

Senate Joint Resolution No. 15-XX(62)—

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII OF THE STATE CONSTITUTION RELATING TO APPORTIONMENT AND CENSUS.

—and recommends that the same not pass.

And the Joint Resolution contained in the preceding report was laid on the table.

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Resolution:

Senate Resolution No. 21-XX(62)—

A RESOLUTION DECLARING THE DETERMIN-

ATION OF THE SENATE RELATIVE TO THE ADOPTION OF A CONSTITUTIONAL AMENDMENT AT THIS EXTRAORDINARY SESSION OF THE FLORIDA LEGISLATURE.

—and recommends that the same not be adopted.

And the Resolution contained in the preceding report was laid on the table.

Senator Hodges moved that the Senate further recess until 3:30 o'clock P.M., this day.

Which was agreed to.

And the Senate recessed at 12:30 o'clock P.M., until 3:30 o'clock P. M., this day.

AFTERNOON SESSION

The Senate reconvened at 3:30 o'clock P.M., pursuant to recess order.

The President in the Chair.

The roll was called and the following Senators answered to their names:

| | | | |
|---------------|----------------|---------------|-----------------|
| Mr. President | Edwards | Johnson (6th) | Roberts |
| Askew | Fraser | Kelly | Ryan |
| Barron | Friday | McCarty | Stratton |
| Blank | Galloway | Mapoles | Tucker |
| Boyd | Gautier | Mathews | Whitaker |
| Bronson | Gibson | Melton | Williams (27th) |
| Clarke | Herrell | Parrish | Williams (4th) |
| Connor | Hodges | Pearce | Young |
| Covington | Johns | Pope | |
| Cross | Johnson (19th) | Price | |

—38.

A quorum present.

Senator Hodges moved that the Senate revert to the consideration of messages from the House of Representatives.

Which was agreed to by a two-thirds vote and it was so ordered.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages from the House of Representatives were received and read:

Tallahassee, Florida
November 21, 1962

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has admitted for consideration by an affirmative two-thirds vote of the House and has passed—

By Messrs. Horne and Mitchell of Leon—

H. B. No. 44-XX— A bill to be entitled An Act relating to the compensation of per diem subsistence and mileage of legislators during any regular, special or extraordinary session of the legislature of the State of Florida; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE
Chief Clerk, House of Representatives

The President submitted to the Senate the question of

whether or not House Bill No. 44-XX, contained in the foregoing message, should be introduced for consideration by the Senate notwithstanding that it did not come within the purview of the Governor's Proclamation convening the Extraordinary Session.

By a two-thirds affirmative vote of the Senate the Bill was admitted for consideration by the Senate, and was read the first time by title only.

Senator Bronson moved that the rules be waived and House Bill No. 44-XX be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Bronson requested unanimous consent of the Senate to take up and consider House Bill No. 44-XX, out of its order.

Unanimous consent was granted, and—

H. B. No. 44-XX— A bill to be entitled An Act relating to the compensation of per diem subsistence and mileage of legislators during any regular, special or extraordinary session of the legislature of the state of Florida; providing effective date.

Was taken up.

Senator Bronson moved that the rules be waived and House Bill No. 44-XX be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 44-XX was read the second time by title only.

Senator Bronson moved that the rules be further waived and House Bill No. 44-XX be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 44-XX was read the third time in full.

Upon the passage of House Bill No. 44-XX the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|----------------|---------------|-----------------|
| Mr. President | Edwards | Johnson (6th) | Roberts |
| Askew | Fraser | Kelly | Ryan |
| Barron | Friday | McCarty | Stratton |
| Blank | Galloway | Mapoles | Tucker |
| Boyd | Gautier | Mathews | Whitaker |
| Bronson | Gibson | Melton | Williams (27th) |
| Clarke | Herrell | Parrish | Williams (4th) |
| Connor | Hodges | Pearce | Young |
| Covington | Johns | Pope | |
| Cross | Johnson (19th) | Price | |

Nays—None.

So House Bill No. 44-XX passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately.

Tallahassee, Florida
November 21, 1962

The Honorable Wilson Carraway
President of the Senate

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Mr. Wise of Okaloosa—

H. C. R. No. 43-XX—A Concurrent Resolution providing

for a recess of the Legislature of the State of Florida until Monday, November 26, 1962, at 2:30 P. M.

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That upon adjournment of both houses of the legislature of the state of Florida today, November 21, 1962, the legislature shall be in recess and shall reconvene at 2:30 p. m. on Monday, November 26, 1962.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE
Chief Clerk, House of Representatives

And House Concurrent Resolution No. 43-XX, contained in the above message, was read the first time in full.

Senator Hodges moved that the rules be waived and House Concurrent Resolution No. 43-XX be read the second time in full and put upon its adoption.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 43-XX was read the second time in full.

Senator Herrell offered the following amendment to House Concurrent Resolution No. 43-XX:

Strike the words: "2:30 p.m. on Monday, November 26, 1962." and insert in lieu thereof the following: 2:30 p.m. on Friday, November 23, 1962.

Senator Herrell moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

Senator Young offered the following amendment to House Concurrent Resolution No. 43-XX:

At the end of paragraph, add the following: "Provided that per diem payments will be discontinued during the recess."

Senator Young moved the adoption of the amendment.

Which was not agreed to so the amendment failed of adoption.

The question was put on the adoption of the Concurrent Resolution.

A roll call was demanded.

Upon the adoption of House Concurrent Resolution No. 43-XX the roll was called and the vote was:

Yeas—23.

| | | | |
|---------------|----------|---------------|-----------------|
| Mr. President | Fraser | Johnson (6th) | Roberts |
| Barron | Friday | Mapoles | Stratton |
| Bronson | Galloway | Melton | Tucker |
| Clarke | Gibson | Parrish | Williams (27th) |
| Connor | Hodges | Pearce | Williams (4th) |
| Edwards | Johns | Price | |

Nays—15.

| | | | |
|-----------|----------------|---------|----------|
| Askew | Cross | Kelly | Ryan |
| Blank | Gautier | McCarty | Whitaker |
| Boyd | Herrell | Mathews | Young |
| Covington | Johnson (19th) | Pope | |

So House Concurrent Resolution No. 43-XX was adopted and the action of the Senate was ordered certified to the House of Representatives immediately.

Senator Hodges moved that the Senate adjourn.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Hodges the vote was:

Yeas—19.

| | | | |
|---------------|----------|---------------|-----------------|
| Mr. President | Edwards | Johns | Roberts |
| Bronson | Fraser | Johnson (6th) | Tucker |
| Clarke | Galloway | Mapoles | Williams (27th) |
| Connor | Gibson | Melton | Williams (4th) |
| Covington | Hodges | Pearce | |

Nays—19.

| | | | |
|--------|----------------|---------|----------|
| Askew | Friday | McCarty | Ryan |
| Barron | Gautier | Mathews | Stratton |
| Blank | Herrell | Parrish | Whitaker |
| Boyd | Johnson (19th) | Pope | Young |
| Cross | Kelly | Price | |

So the motion failed of adoption.

By permission the following Report of Committee was received:

REPORT OF COMMITTEE

Senator Johnson (6th), Chairman of the Committee on Apportionment, reported that the Committee had carefully considered the following Joint Resolution:

H. J. R. No. 41-XX—A Joint Resolution proposing an amendment to Sections 1, 2, 3 and 4 of Article VII of the Constitution of the State of Florida; providing for apportionment of the Florida Legislature; providing for submission to the electors.

—and recommends that the same pass with committee amendment as attached thereto.

And the Joint Resolution contained in the preceding report, together with the committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

CONSIDERATION OF BILLS AND JOINT RESOLUTIONS ON SECOND READING

Senate Joint Resolution No. 27-XX(62), Senate Bill No. 28-XX(62), House Bill No. 34-XX, Senate Concurrent Resolution No. 29-XX(62) and Senate Memorial No. 19-XX(62) were taken up in their order and the consideration thereof was temporarily deferred.

S. B. No. 7-XX(62)— A Bill to be entitled An Act providing for the apportionment of the membership of the Senate and the House of Representatives of the Florida Legislature by amending Sections 10.01, and 10.03 and creating Section 10.04, Florida Statutes.

Was taken up in its order and read the second time in full.

The Committee on Apportionment offered the following amendment to Senate Bill No. 7-XX(62):

In Section 1, lines 9 and 10, page 1, strike the words and numerals "five hundred thousand (500,000)" and insert in lieu thereof the following: six hundred thousand (600,000)

Senator Johnson (6th) moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Askew offered the following amendment to Senate Bill No. 7-XX(62):

Strike everything after the enactment clause and insert in lieu thereof the following:

Section 1. Section 10.01, Florida Statutes, is amended to read:

10.01 Division of state into senatorial districts; apportionment of senate.—

(1) There shall be thirty-eight (38) senatorial districts in the state which shall be each represented in

the senate of the state by one (1) senator, and be designated by numbers, and the said thirty-eight (38) districts shall be composed each of the counties mentioned and named after the respectively numbered districts as follows to wit:

| DISTRICT | COUNTIES |
|----------------|--------------------------------------|
| First | Santa Rosa |
| Second | Escambia |
| Third | Walton, Holmes, Washington |
| Fourth | Jackson, Calhoun, Gulf |
| Fifth | Okaloosa |
| Sixth | Gadsden, Liberty, Franklin |
| Seventh | Polk |
| Eighth | Leon |
| Ninth | Citrus, Hernando, Sumter |
| Tenth | Seminole |
| Eleventh | Pinellas |
| Twelfth | St. Lucie, Indian River, Martin |
| Thirteenth | Dade |
| Fourteenth | Hamilton, Columbia, Suwannee |
| Fifteenth | Bradford, Clay, Union |
| Sixteenth | Nassau, Baker |
| Seventeenth | Sarasota |
| Eighteenth | Duval |
| Nineteenth | Orange |
| Twentieth | Marion |
| Twenty-first | Dixie, Lafayette, Levy, Gilchrist |
| Twenty-second | Jefferson, Wakulla, Madison, Taylor |
| Twenty-third | Lake |
| Twenty-fourth | Lee, Hendry, Collier, Glades |
| Twenty-fifth | Bay |
| Twenty-sixth | Putnam |
| Twenty-seventh | Hardee, DeSoto, Highlands, Charlotte |
| Twenty-eighth | Volusia |
| Twenty-ninth | Monroe |
| Thirtieth | Broward |
| Thirty-first | St. Johns, Flagler |
| Thirty-second | Alachua |
| Thirty-third | Osceola, Okeechobee |
| Thirty-fourth | Hillsborough |
| Thirty-fifth | Palm Beach |
| Thirty-sixth | Manatee |
| Thirty-seventh | Brevard |
| Thirty-eighth | Pasco |

If by this reapportionment the district of a member of the senate whose term of office expires with the general election of November, 1964, or 1966, shall be abolished, or the number of his district relocated outside of said present district, then such member shall continue as a senator

for the county of his residence during the remainder of his term and shall have an equal vote with any other senator and the number of his senatorial district shall be indicated by adding the letter X after the number of the district to which he was elected even though it increases the maximum number of members herein provided for.

Section 2. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 3. This act shall take effect immediately upon the ratification of an amendment to Article VII of the Constitution as presented by the legislature in extraordinary session called by proclamation of the governor to convene on November 9, 1962.

Senator Askew moved the adoption of the amendment.

Pending consideration of the amendment offered by Senator Askew to Senate Bill No. 7-XX(62) Senator Fraser moved that the Senate adjourn.

A roll call was demanded.

Upon call of the roll on the motion made by Senator Fraser, the vote was:

Yeas—19.

| | | | |
|---------------|----------|---------------|-----------------|
| Mr. President | Edwards | Johns | Roberts |
| Bronson | Fraser | Johnson (6th) | Tucker |
| Clarke | Galloway | Mapoles | Williams (27th) |
| Connor | Gibson | Melton | Williams (4th) |
| Covington | Hodges | Pearce | |

Nays—19.

| | | | |
|--------|----------------|---------|----------|
| Askew | Friday | McCarty | Ryan |
| Barron | Gautier | Mathews | Stratton |
| Blank | Herrell | Parrish | Whitaker |
| Boyd | Johnson (19th) | Pope | Young |
| Cross | Kelly | Price | |

So the motion failed of adoption.

The question recurred on the adoption of the amendment offered by Senator Askew to Senate Bill No. 7-XX (62).

A roll call was demanded.

Upon call of the roll on the motion made by Senator Askew the vote was:

Yeas—18.

| | | | |
|--------|----------------|---------|----------|
| Askew | Friday | Mathews | Stratton |
| Barron | Gautier | Parrish | Whitaker |
| Blank | Johnson (19th) | Pope | Young |
| Boyd | Kelly | Price | |
| Cross | McCarty | Ryan | |

Nays—20.

| | | | |
|---------------|----------|---------------|-----------------|
| Mr. President | Edwards | Hodges | Pearce |
| Bronson | Fraser | Johns | Roberts |
| Clarke | Galloway | Johnson (6th) | Tucker |
| Connor | Gibson | Mapoles | Williams (27th) |
| Covington | Herrell | Melton | Williams (4th) |

So the amendment failed of adoption.

Pending further consideration of Senate Bill No. 7-XX (62), Senator Stratton moved that the Senate adjourn.

Which was not agreed to.

Senator Mathews offered the following amendment to Senate Bill No. 7-XX(62):

Strike everything after the enacting clause and insert in lieu thereof the following:

Section 1. Section 10.01, Florida Statutes, is amended to read:

10.01 Division of state into senatorial districts; apportionment of senate, etc.—

(1) The representation in the senate of the Florida legislature shall consist of forty-three (43) members, each representing a district, except that any district having more than twelve per cent (12%) of the total population in the state shall be represented by two (2) members. The state shall be divided into forty-two (42) senatorial districts. If by this reapportionment the district of a member of the Senate whose term of office expires with the general election of November 1964 shall be abolished, or the number of his district relocated outside of said present district, then such member shall continue as a senator for the county of his residence during the remainder of his term and shall have an equal vote with any other senator and the number of his senatorial district shall be indicated by adding the letter X after the number of the district to which he was elected even though it increases the maximum number of members herein provided for.

No county shall be divided in creating a district. Every district shall consist of contiguous counties.

(2) Pursuant to this act forty-two (42) senatorial districts shall be constituted as follows:

First district—Santa Rosa county

Second district—Escambia county

Third district—Walton county, Holmes county and Washington county

Fourth district—Jackson county and Calhoun county

Fifth district—Wakulla county, Liberty county, Gulf county and Franklin county

Sixth district—Gadsden county

Seventh district—Polk county

Eighth district—Leon county

Ninth district—Hernando county, Sumter county and Citrus county

Tenth district—Taylor county and Madison county and Jefferson county

Eleventh district—Pinellas county

Twelfth district—St. Lucie county

Thirteenth district—Dade county (2 members)

Fourteenth district—Columbia county

Fifteenth district—Bradford county, Clay county and Union county

Sixteenth district—Nassau county and Baker county

Seventeenth district—Hamilton county, Suwannee county and Lafayette county

Eighteenth district—Duval county

Nineteenth district—Orange county

Twentieth district—Marion county

Twenty-first district—Dixie county, Levy county and Gilchrist county

Twenty-second district—Sarasota county

Twenty-third district—Lake county

Twenty-fourth district—Lee county and Collier county

Twenty-fifth district—Bay county

Twenty-sixth district—Putnam county

Twenty-seventh district—Hardee county, Desoto county and Charlotte county

Twenty-eighth district—Volusia county

Twenty-ninth district—Indian River county

Thirtieth district—Broward county

Thirty-first district—St. Johns county and Flagler county

Thirty-second district—Alachua county

Thirty-third district—Osceola county, Okeechobee county and Martin county

Thirty-fourth district—Hillsborough county

Thirty-fifth district—Palm Beach county

Thirty-sixth district—Manatee county

Thirty-seventh district—Brevard county

Thirty-eighth district—Pasco county

Thirty-ninth district—Glades county, Hendry county and Highlands county

Fortieth district—Okaloosa county

Forty-first district—Monroe county

Forty-second district—Seminole county

Section 2. Section 10.04, Florida Statutes, is added to read:

10.04 Legislative apportionment.—

(1) The 1963 legislature shall be composed of the legislators elected pursuant to the Constitution of 1885, as amended, and of the additional legislators as provided for herein. Any representative or senator elected in the 1962 general election pursuant to the Constitution of 1885, as amended, shall serve in said office for the term for which he was elected, and any senator now serving shall complete his term to which he was elected. The additional legislative offices herein created shall be filled by and at a special election to be held in the affected counties or districts, as provided by law. Such election shall be held within one hundred and twenty (120) days after the effective date hereof. The senators elected from the new even numbered districts shall be elected for a term of four (4) years and the new senators elected from the odd numbered districts shall be elected for a term of two (2) years; thereafter all senators shall be elected for four (4) year terms. The apportionment herein provided is based on the U. S. decennial census of 1960.

(2) The legislature shall reapportion its representation in accordance with this article at the first regular session of the legislature after the next U. S. decennial census and at the first regular session of the legislature after each succeeding U. S. decennial census and such reapportionment shall be based upon the latest preceding U. S. decennial census.

In the event the legislature shall fail to reapportion the representation as required by this article, the governor shall call the legislature together in extraordinary session to consider the question of reapportionment, and such extraordinary session shall mandatorily be required to reapportion its membership before adjournment, and such extraordinary session so called shall not expire until reapportionment is effected and shall consider no business other than reapportionment.

Section 3. It is declared to be the legislative intent that, if any section, subsection, sentence, clause, or provision of this act is held invalid, the remainder of the act shall not be affected.

Section 4. This act shall take effect immediately upon the ratification of an amendment to Article VII of the Constitution as presented by the legislature in extraordinary session called by proclamation of the Governor to convene on November 9, 1962.

Senator Mathews moved the adoption of the amendment.

Pending consideration of the amendment offered by Senator Mathews to Senate Bill No. 7-XX(62), the hour of adjournment having arrived, a point of order was called and the Senate stood adjourned at 5:00 o'clock P. M., until 2:30 o'clock P. M., Monday, November 26, 1962, pursuant to House Concurrent Resolution No. 43-XX.